

T-2267

# 1949 EDITION CODE OF FEDERAL REGULATIONS

**Title 25—Indians**

**1952  
CUMULATIVE POCKET SUPPLEMENT  
FOR USE DURING 1953**

**For changes subsequent to December 31, 1952  
see the daily issues of the  
FEDERAL REGISTER**

**§ 186.3 Sale of oil and gas leases.**

(a) At such times as the Secretary of the Interior, or his authorized representative, may direct, after being authorized by the tribal council, the superintendent shall cause notices to be posted or advertisements to be published for a period of not less than fifteen days, offering for sale at public auction or under sealed bids, or both, to the highest responsible bidder, oil and gas leases of specific tracts, each of which shall be in a compact body. As a guaranty of good faith the successful bidder shall deposit with the superintendent on the day of the sale, a certified check or bank draft drawn on a solvent bank in an amount not less than twenty per cent of the bonus bid and of the first year's rental. Unless such period shall have been extended by the superintendent for good and sufficient reason, within twenty days after the date upon which the lease is forwarded to the successful bidder for execution he shall return to the superintendent the same completely executed accompanied by the balance of the bonus

and of the first year's rental. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or of the Department, the amount of the bonus and rental deposited with the bid shall be forfeited, as liquidated damages, for the use and benefit of the Indian lessor.

[Paragraph (a) amended, 17 F. R. 8380, Sept. 18, 1952]

**§ 186.9 Acreage limitation.**

(a) . . . . .

(2) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals except coal, oil, and gas, not more than 960 acres unless otherwise authorized by the Commissioner of Indian Affairs.

COMBINATION: In § 186.9 (a) subparagraph (2) was amended to read as set forth above and subparagraph (4) was revoked, 16 F. R. 7277, July 25, 1951.

**SUBCHAPTER S—MONEYS; TRIBAL AND INDIVIDUAL****Part 221—Indian Money Accounts [Revised]**

Sec.	
221.1	Definitions.
221.2	Osage Agency.
221.3	Individual accounts.
221.4	Minors.
221.5	Adults under legal disability.
221.6	Voluntary deposits.
221.7	Payments by other Federal agencies.
221.8	Purchase orders.
221.9	Restrictions.
221.10	Funds of deceased Indians.
221.11	Funds of deceased Indians of the Five Civilized Tribes.
221.12	Supervision; appeal.

AUTHORITY: §§ 221.1 to 221.12 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 221.1 to 221.12 appear at 16 F. R. 6178, June 27, 1951.

§ 221.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning stated:

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Area Director" means the officer in charge of an area office for the Bureau of Indian Affairs.

(c) "Superintendent" means the superintendent or other officer in charge

of an Indian reservation, agency or establishment.

(d) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

(e) "Indian Money Accounts" are those accounts under the control of superintendents or disbursing agents containing funds, regardless of derivation, belonging to individuals.

§ 221.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 222 of this subchapter.

§ 221.3 *Individual accounts.* Individuals shall have the right to withdraw funds in their Indian money accounts and upon their request the superintendent shall disburse the funds to them at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 221.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the con-

trol and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 221.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 221.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 221.7 *Payments by other Federal agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 221.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 221.9 *Restrictions.* Funds obligated under assignments made pursuant to Part 30 of this chapter shall be disbursed only in accordance with the terms thereof. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed

by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 81 and 82 of this chapter.

§ 221.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and state estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 221.12 *Supervision; appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

**Part 223—Judgment and Payments in Lieu of Allotment Funds****SUBPART B—SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING**

Sec.	
223.50	Program required; purposes for which expenditures may be made. [Revised]
223.52	Scope of programs. [Revised]
223.54	Approval of programs. [Revised]
223.55	Right of appeal. [Revised]
223.56	Individual land purchases. [Revised]
223.57	Issuance of purchase orders. [Revised]
223.58	Purchase of real property. [Revised]
223.59	Trust status of property. [Revised]